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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,835	04/08/2004	Bruce McIlvaine	M1219.004	8508
26689	7590	03/29/2005	EXAMINER	
WILDMAN HARROLD ALLEN & DIXON 225 WEST WACKER DRIVE, SUITE 2800 CHICAGO, IL 60606			GREEN, CHRISTY MARIE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,835

Applicant(s)

MCILVAINE, BRUCE

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action for serial number 10/820835, entitled Laminate Flooring with Custom Images, filed on April 8, 2004. This application is a Divisional of serial number 10/238206.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al., US Patent # 6,400,844 in view of Wen, US patent # 6,327,048.

Fan discloses the claimed invention a method for preparing an image for used on a laminate floor, comprising the steps of acquiring a digital image (column 3, lines 21-22), segmenting the digital image (column 3, lines 19-20) into a plurality of sections (column 3, lines 25-27), creating a digital layout (column 4, lines 63-65); scanning an image (column 4, lines 61-63), saving the image (interpreted to be storing data – column 4, lines 39-41); arranging the plurality of sections so that they fit on a sheet of base material (10, 12, 14, 16) and predetermined spaces between each section (column 5, lines 9-11); formatting the image (column 5, lines 30-32) and enhancing the image (interpreted to be as repeating process (column 5, lines 62-64).

Fan does not disclose the step of resizing the image and sharpening the image. Wen teaches that it is known in the art to provide the steps of resizing the image

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(column 3, lines 40-43) and sharpening the image (column 3, lines 40-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the steps of resizing and reshaping the image in order to provide digital image on labels that are most aesthetically appealing (column 1, lines 59-60).

Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al., in view of Wen and further in view of Seculla et al., US patent # 6,591,579.

Fan in view of Wen discloses the claimed invention as stated above in claim 1, except for the step of assembling a plurality of flooring planks in a predetermined order. Seculla teaches that it is known in the art to provide the step of assembling a plurality of flooring planks in a predetermined order. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the step of assembling a plurality of flooring planks in a predetermined order as taught by Seculla with the method steps of Fan in view of Wen in order to provide a way to line up flooring planks by the use of a tool (column 2, lines 60-62).

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al., in view of Wen and Seculla et al., and further in view of Katsuhiko et al, US patent # 5,282,306.

Fan in view of Wen and further in view of Seculla discloses the claimed invention as stated above, except for the step of laminating the printed layout to a sheet of base material. Katsuhiko teaches that it is known in the art to provide the step of laminating the printed layout to a sheet of base material (column 6, lines 24-25). It would have been obvious to one having ordinary skill in the art at the time the invention

was made to provide the step of laminating the printed layout to a sheet of base material as taught by Katsuhiko with the method steps of Fan in view of Wen and further in view of Secular in order to provide reproduced finely and precisely picture elements on a printing plate (or base material - column 3, lines 25-27).

Allowable Subject Matter

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

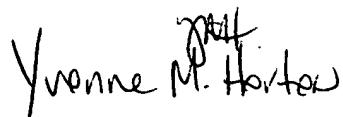
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Yvonne M. Horton



Cg

March 18, 2005